

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

September 10, 2003

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Draft Industrial Storm Water Permit Presentation to the Industrial Environmental Association** *(John Phillips)*

On August 20, 2003, John Phillips, Senior Water Resource Control Engineer with the Industrial Compliance Unit, gave a presentation on the draft General Industrial Storm Water Permit at the Industrial Environmental Association luncheon. About 60 people attended the luncheon. The current general permit, Order No. 97-03-DWQ, adopted on April 17, 1997 is due for renewal by the State Water Resources Control Board (SWRCB). Mr. Phillips discussed the relationship between the municipal storm water co-permittees and the Regional Board and the oversight of industrial facilities.

The draft Order includes revisions to the Storm Water Pollution Prevention Plan requirements, the Monitoring and Reporting Program, and the Group Monitoring Program. Statewide workshops on the draft Order were held in June 2003. The SWRCB is reviewing comments received and developing their response to comments.

As of the date of this report, the SWRCB has not scheduled a hearing to consider adoption of the draft Order.

2. **Presentation at Erosion and Sediment Control Course, Temecula** *(Eric Becker)*

On August 27, 2003, the Inland Erosion Control, Inc. sponsored an erosion and sediment control course to familiarize the development community in southern Riverside County on effective Best Management Practices (BMPs) for construction sites. During the course, Eric Becker presented an overview of storm water regulations, BMP requirements under the state permit, and the Regional Board's enforcement process. The course also explained what to expect from the Regional Board inspectors during the upcoming rainy season. Becker answered numerous site specific questions, and emphasized pollution prevention, implementation of erosion control BMPs, and good site maintenance to avoid enforcement by the Regional Board. The workshop garnered significant interest from the development community and was attended by over 80 people.

3. **Shelter Island Yacht Basin TMDL - Dissolved Copper** *(Lesley Dobalian & Christina Arias)*

On July 31, 2003 the Regional Board coordinated and participated in a meeting with representatives from the State Board, California Department of Pesticide Regulation (CDPR), County of San Diego Agricultural Commissioner (CAC), and USEPA concerning the Shelter Island Yacht Basin TMDL for dissolved copper. In the TMDL

analysis, it was determined that the vast majority of the dissolved copper entering the Yacht Basin comes from copper-based antifouling paints, which are registered pesticides with CDPR and USEPA. The purpose of the meeting was to 1) exchange information about the TMDL, 2) coordinate on implementation of the TMDL, and 3) facilitate coordination with CDPR and the State Board under the Management Agency Agreement (MAA) that exists between the agencies. The MAA commits the State Board, Regional Boards, CDPR and CAC to work together to help resolve water quality problems resulting from the use of pesticides. The Regional Board is in the process of developing the implementation plan for the TMDL, and will provide CDPR an opportunity to review and comment on the draft document prior to its release for public review.

The California Department of Pesticide Regulation has offered to assist in efforts to identify and control copper in marinas originating from antifouling paints. They are coordinating a "Copper Summit" that will be held on September 16, 2003 to determine what information is available and what data is needed to assess the extent of the water quality problem in California caused by antifouling paints. This information will be used by DPR to help make decisions about the appropriate regulatory actions needed to control the environmental impacts from these discharges. Invited participants include the State Board, the Regional Boards, Department of Boating and Waterways, and the California Coastal Commission.

4. Presentation at the San Diego Association of Geologist's August General Meeting

(Barry S. Pulver)

Barry Pulver of the Tank Site Mitigation and Cleanup Unit was an invited speaker at the San Diego Association of Geologist's (SDAG) Monthly General Meeting held on the evening of August 20th. SDAG is a professional geological society comprised of members from academia, the consulting community, and government from throughout southern California. Approximately 50 people attended the meeting. Barry presented a case study of a groundwater investigation he conducted in Guatay, California, a groundwater dependant community. This case was discussed to illustrate deep drilling and well construction methods that minimize the pollution risk to deeper, uncontaminated portions of an aquifer from drilling through shallow contaminated zones, and how a Site Conceptual Model can be used to guide an investigation and to "do no harm" to unpolluted parts of an aquifer.

5. Industrial Storm Water Program Presentation to the California Waste Haulers

Association *(Tony Felix)*

On August 27, 2003, Tony Felix, Water Resource Control Engineer with the Industrial Compliance Unit, gave a presentation focusing on the Industrial Storm Water Monitoring and Reporting Program requirements and the draft Industrial Storm Water Permit at the California Waste Haulers Association luncheon in San Diego. About 30 people, mostly local environmental consultants, attended the luncheon. The State Water Resources Control Board (SWRCB) is currently revising the current general permit, Order No. 97-03-DWQ, adopted on April 17, 1997. Mr. Felix discussed the Permit objectives,

requirements of the Monitoring and Reporting Program, Sampling and Analysis, Standard Provisions and the revisions of the current Permit.

The draft Order includes revisions to the Storm Water Pollution Prevention Plan (SWPPP) requirements, Monitoring and Reporting requirements, Standard Provisions and Conditional Exclusion requirements. Statewide workshops on the draft Order were held in June 2003. The SWRCB is reviewing comments received and developing their responses to comments.

As of the date of this report, the SRWCB has not scheduled a hearing to consider adoption of the draft Order.

6. Geographic Information Systems in San Diego County *(Tony Felix)*

On September 2, 2003, Regional Board representatives consisting of John Robertus, Pete Michael, Sherrie Komeylyan, Sabine Knedlik, Dave Gibson, Amy Grove, John Odermatt, David Hanson, Kristin Schwall, Jimmy Smith, Noopur Pathak, Charles Cheng, Vincente Rodriguez and Tony Felix attended a presentation on Geographic Information System (GIS) technology in San Diego County. Sue Carnevale, Paul Hardwick and John Wright of SANDAG sponsored the presentation indicating how GIS can be a powerful data collection, storage, analysis and support tool that combines data from different sources into a comprehensive geographic framework for watershed management. Moreover, they indicated how GIS could dramatically improve the ability to select the best course of action or streamline the decision making process in preserving and enhancing the County's water resources.

Concerns expressed in achieving those goals were the need to improve regional access or utilization data, to develop jointly a long-term GIS plan, to fund and implement a GIS plan, and to maximize the use of existing resources.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Chiara Clemente, David Hanson, Bryan Ott, Victor Vasquez)*
(Attachment B-1)

From August 1 to August 31, 2003, there were 18 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 11 of these spills reached surface waters or storm drains, and one resulted in closure of recreational waters. Of the total number of overflows from public systems, 8 were 1,000 gallons or more.

Eight sewage overflows from private property were also reported to have occurred in August; no overflow was 1,000 gallons or more; four reached surface waters or storm drains; two resulted in closure of recreational waters.

No rainfall was recorded at San Diego's Lindbergh Field for August 2003. For comparison, in July 2003, trace rainfall was recorded, and 11 public SSOs were reported. In August 2002, no rainfall was recorded and 37 public SSOs were reported.

Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year (FY) since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics." The annual report that was included in the agenda materials for the January Board meeting, titled "Public SSO Statistics Summary for FY 2001-02," is also attached. Staff is in the process of gathering information to report spills using a new reporting parameter (i.e. volume of sewage spilled/total volume conveyed through each system) and will continue to improve the manner that SSO data is presented in the future in order to provide the Regional Board the most meaningful and insightful information.

Four Notices of Violation (NOV), two with a Request for Technical Report (RTR), were issued in August for recent significant overflows. Three NOVs were issued to public agencies and one NOV was issued to a private entity. The NOV's were issued for the events described below:

City of San Clemente

The City of San Clemente (City) reported a 320-gallon sanitary sewer overflow from its wastewater collection system that occurred on July 27, 2003 at the intersection of Avenida Vista Montana and Calle Pastadero. The City reported the cause of the overflow as a sewer main blockage due to debris. The report from the City and a report from the County of Orange Health Care Agency indicated that the overflow entered a storm drain that discharges to the Pacific Ocean. The overflow resulted in the closure of ocean recreational waters adjacent to North Beach in San Clemente to prevent public contact with waters that may have been impacted.

City of Oceanside

The City of Oceanside (City) reported two recent sanitary sewer overflows. A Request for Technical Information was issued for the reported spills with the NOV.

- 1) The City reported a 1,500,000-gallon overflow from the City's wastewater collection system upstream of the headworks at the San Luis Rey Wastewater Treatment Plant that began at approximately 10:30 p.m. on August 7, 2003 and terminated on August 8, 2003. The City reported that this overflow occurred due to the failure of a section of sewer main from the City's Mission Avenue wastewater pump station just prior to starting a planned connection of a new section of pipe. The City reported that the entire overflow was diverted into the treatment plant's pipe gallery and no surface waters were impacted.
- 2) The City reported a 441,000-gallon sanitary sewer overflow that occurred on August 8, 2003 from the City's wastewater collection system at the Mission Avenue pump station and two manholes located upstream of the pump station. The City reported that this overflow occurred as a result of shutting down the pump station as part of the response activities for the prior overflow noted above. The City reported that the

overflow from the manholes entered stormdrains and then discharged to an open concrete-lined storm channel. Excess flow at the pump station was also pumped and diverted to the storm channel. The channel was dammed to prevent the wastewater from reaching the San Luis Rey River. As the channel filled, wastewater spilled from the channel to an unlined stormwater detention basin where the majority of the wastewater percolated into the ground near the San Luis Rey River; approximately 11,000 gallons of wastewater was recovered from the channel after the overflow was terminated. No direct impact to the San Luis Rey River was reported.

Laguna Cliffs Marriott Resort, Dana Point

The South Coast Water District (District) notified this office of a 300-gallon private property sanitary sewer overflow that occurred on August 16, 2003. The overflow occurred at 25135 Park Lantern in Dana Point from the wastewater collection system of the Laguna Cliffs Marriott Resort. A report from the District indicates that the cause of the sanitary sewer overflow was a sewer line blockage due to grease. The report from the District and a report from the County of Orange Health Care Agency indicate that the overflow entered a storm drain tributary to Dana Point Harbor and the Pacific Ocean. The overflow resulted in the closure of ocean recreational waters within Dana Point Harbor to prevent public contact with affected waters.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in August 2003 *(Stacey Baczkowski)*

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION ¹
8/5/03	New Urban West Land, LLC	Rancho Vistamonte Project	Construction of 80 residential sites and associated infrastructure on a 192-acre site. [Las Lomas Muertas HSA (905.32)]	Conditional
8/12/03	City of Chula Vista	Telegraph Canyon Road Widening Project	Widen Telegraph Canyon Road on the north side of the road for a length of 1,200 feet.	Standard
8/14/03	San Diego Gas and Electric	69kv TL655 Relocation-San Diego Bay Bore Project	Bore beneath San Diego Bay to install conduits for electric cables; remove portions of the existing cables from the bottom of the bay; and trench and excavate to install connecting land based underground electric system.	Conditional
8/25/03	City of Oceanside	San Luis Rey Water Reclamation Plant, Windmill Creek Box Culvert	Construction of a reinforced concrete box culvert crossing windmill creek.	Conditional
8/25/03	City of Del Mar	San Dieguito River Mouth Opening Project	Open the San Dieguito Lagoon inlet to tidal flushing. This will require grading 15,000 cubic yards from the	Standard

			west channel and placing dredged sand on the beach.	
8/25/03	County of Orange, Public Facilities & Resources Department	Aliso Creek Ocean Outlet Maintenance Project	Removal of sandy materials that block Aliso Creek from reaching the Pacific Ocean by re-establishing the pre-existing creek location.	Conditional
8/26/03	Santa Fe Irrigation District	San Dieguito Reservoir Rehabilitation Project	To restore the San Dieguito Reservoir to its original capacity through the removal of 400,000 cubic yards of accumulated sediment and freshwater marsh vegetation.	Applicant voluntarily withdrew the project

¹ Standard certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

3. Third Payment of \$500 Administrative Civil Liability by Castillo & Sons, A & E Auto Recycling (*Vicente Rodríguez*)

At the June 11, 2003 Regional Board Meeting, the Board agreed to accept Castillo and Sons' proposal to make six monthly payments of \$500 to pay off the \$3,000 liability imposed by ACL Order No. R9-2002-0284. The ACL was issued in November 2002 for failure to pay annual fees. On September 2, 2003, Ramon M. Castillo made the third payment of \$500. The next payment of \$500 is due September 30, 2003. The final payment is due November 28, 2003.

4. Power Washing Discharge by the City of San Diego (*Stacey Baczowski*) (*Attachment B-4*)

During the public forum on August 13, 2003, Mr. Marvin Winters notified the Regional Board of his concerns regarding the City of San Diego's (City) power washing policy. The City's policy has been previously reported on in the June 11 and July 16, 2003 Executive Officer's Reports. A copy of the letter responding to the issues raised by Mr. Winters is provided as Attachment B-4a.

Following the August 13 Regional Board meeting, Mr. Winters forwarded complaints regarding power washing discharges by the Downtown Partnership on July 21 and August 22, 2003. The downtown property owner's "Property Based Improvement District" has contracted with the Downtown Partnership to conduct power washing within the public right-of-way. The City has issued two citations with monetary penalties to the Downtown Partnership for these discharges since the Partnership was not following the City's interim Best Management Practices requirements.

The City is currently conducting education and outreach efforts and informing power washers of the need to purchase and use recapture equipment no later than January 1, 2004. On January 1, 2004, the City will start issuing citations and notice of violations to power washers responsible for discharges into the storm water conveyance system from washing of sidewalks in the public right-of-way. The City has also modified their Impervious Surface fact sheet (Attachment B-4b). The previous fact sheet addressed power washing within the public right-of-way; the current fact sheet reflects the actual practice of limiting power washing discharges to washing of sidewalks in the public right-of-way.

Mr. Winters has also reiterated his concerns that there is an unfair economic advantage enjoyed by power washers that do not currently use recapture equipment like his power washing company does. He has stated that he feels the City is being given special treatment in our handling of this situation.

In addressing the issues raised by Mr. Winters, we have concluded that the City has taken the appropriate steps to address power washing discharges. The Regional Board will continue to evaluate further efforts by the City to comply with the power washing requirements of the municipal storm water permit.

5. Complaint of Excessive Irrigation in Rancho Bernardo (*Phil Hammer*)

The Regional Board has received a complaint from Ms. Hiya Rubin alleging that excessive irrigation runoff in the area of her residence has caused high groundwater levels. This is in the Seven Oaks area of Rancho Bernardo within the City of San Diego. Ms. Rubin has claimed that mold found in her house is a result of the high groundwater levels. The Regional Board responded to this complaint by attending a homeowner's meeting in the area, explaining the regulation of urban runoff and steps that can be taken to address irrigation runoff. The Regional Board also conducted an inspection of the neighborhood and assessed existing water quality data from the neighborhood area. As a result of this investigation, it was found that the irrigation runoff conditions in the Seven Oaks areas are typical of most residential areas. While the Regional Board plans to continue to monitor the situation in Seven Oaks, to the extent that standard private residence irrigation practices may be contributing to rising groundwater in the area, the Regional Board does not anticipate further involvement.

6. Update on Efforts to Reduce Trash in Chollas and Paleta Creeks (*Phil Hammer*)
(Attachment B-6)

Excessive trash in Chollas and Paleta Creeks continues to be a significant water quality problem. The Regional Board has directed the cities within these watersheds to develop and implement additional best management practices to address discharges of trash into these creeks. The smaller cities within the watersheds (Lemon Grove, La Mesa, and National City) have responded by committing to an increased frequency of scheduled municipal cleaning of the creeks (weekly to monthly), together with other measures such as public education.

The City of San Diego, which constitutes the majority of these watersheds, has responded to the problem by primarily committing to increased public education and public participation efforts. The City of San Diego has also worked with NASSCO to address trash from NASSCO's parking lots adjacent to the mouth of Chollas Creek – an effort for which NASSCO recently received a letter of commendation from the Regional Board (attached). However, excessive trash conditions in the creeks within the City of San Diego's jurisdiction persist, while the City of San Diego has not proposed to increase the frequency of its semiannual inspection and cleaning of the creeks.

The Regional Board plans to further evaluate the City of San Diego's management of trash discharges to Chollas and Paleta Creeks as part of the follow-up to their urban runoff program compliance evaluation. This follow-up is tentatively scheduled for late September or October of 2003.

7. San Diego Municipal Storm Water Permit Update (*Phil Hammer*)

The review of all of the Copermittees' Annual Compliance Reports has been completed. The Annual Compliance Reports describe each Copermittee's urban runoff management activities conducted during the previous year. Each Copermittee has received a comment letter from the Regional Board discussing the findings of the review. The comment letters also identify areas where more information currently needs to be submitted, in addition to areas where more information should be submitted in the future. Copermittee responses to the comment letters are due before the end of September 2003.

In general, review of the Annual Compliance Reports found that the San Diego County Copermittees were making significant progress in the development and implementation of their urban runoff management programs. However, some noteworthy deficiencies were identified during the review. In particular, the City of National City's report was deficient in describing the implementation of the City of National City's program, resulting in issuance of a Notice of Violation to the City of National City. In addition, the City of San Diego's oversight of the large number of industrial facilities within its jurisdiction appears to be in need of expansion in order to meet the requirements of the Permit. The City of San Diego's oversight of industrial facilities will be further evaluated as part of the follow-up to their urban runoff program compliance evaluation. This follow-up is tentatively scheduled for late September or October of 2003.

8. Riverside County MS4 Permit Renewal Update (*Megan Quigley*)

The Riverside County, Santa Margarita Watershed, MS4 Permit (Regional Board Order 98-02, NPDES No. CAS0108766), covers four Co-permittees in the upper Santa Margarita Watershed; the County of Riverside, Riverside County Flood Control and Water Conservation District (District), and the Cities of Temecula and Murrieta. The current permit expires November 30, 2003. On May 30, 2003, the District submitted a Report of Waste Discharge (ROWD) as an application for permit renewal. Due to the annexation of land in the watershed, the City of Hemet was included as a Co-permittee in the application.

Northern Watershed Protection staff have reviewed the ROWD and currently is developing the tentative permit and fact sheet. We are using the Orange County MS4 Permit (Order No. R9-2002-0001) as a template, with minor changes for the purposes of clarification and tailoring the requirements to the permitted area.

On August 27, Bob Morris, Eric Becker and Megan Quigley met with the Co-permittees to discuss the anticipated New Development requirements. We will continue meeting on a monthly basis to discuss specific requirements and issues. We are currently scheduled to issue an initial tentative draft on September 30, followed by a public tentative draft on October 30. We anticipate having a staff workshop in mid-November and a Regional Board hearing to receive testimony in December. A Regional Board meeting to propose adoption of the MS4 permit is anticipated for mid-April of 2004. Information regarding the permit renewal, including the tentative schedule, is posted on our web page at:

http://www.swrcb.ca.gov/rwqcb9/programs/rsd_stormwater.html.

9. Orange County Municipal Storm Water Permit Update (*Jeremy Haas*)

The Jurisdictional Urban Runoff Management Plans for the Orange County Municipal Storm Water permittees (Regional Board Order No. R9-2002-01) have been reviewed.

The three most significant issues found during the reviews were:

- (1) Seven cities did not appear to specifically state that persons responsible for existing commercial, industrial and residential activities within the city must implement best management practices (BMPs) as directed by the City;
- (2) The documents do not clearly state which BMPs are the minimum that will be required or how each City will require the specific BMPs; and
- (3) The documents do not clearly identify additional BMP controls for areas tributary to 303(d) impaired waterbodies.

Each City, where applicable, was asked to submit a proposal for addressing these issues. In response to issue No. 1, three cities replied that they would seek to amend their water quality ordinances within 12 months. Four cities (Laguna Hills, Mission Viejo, San Juan Capistrano, and Rancho Santa Margarita), however, replied that although they ultimately possess the legal authority to require stormwater BMPs at existing facilities, they essentially could not require BMPs on private property until a factual determination is made that a potential discharge threatens public health and safety. We are currently assessing that response for compliance with the MS4 Permit. In response to issues No. 2 and 3, the cities generally replied that they would work collaboratively to update BMP requirements by February 2004.

The Orange County Municipalities have also recently submitted local SUSMP documents and Watershed Urban Runoff Management Plans. These are currently being reviewed.

10. Cleanup and Abatement Account Audit (*Mark Alpert*) (*Attachment B-10*)

On July 7, 2003, the Bureau of State Audits notified Cal/EPA of its' intent to audit the State Water Resources Control Board's administration of the penalties it collects through its water quality programs (letter attached). Since that time, we have been informed that the San Diego Regions of one of four Regional Boards to be audited in September 2003. The other Regions are: Santa Ana (Region 8), San Francisco (Region 2), and Sacramento (Region 5S). The auditors have scheduled September 15-18 to audit our records.

Apparently, the auditors will be focusing their attention on the Regional Board's assessment of civil liability and the process of approving Supplemental Environmental Projects (SEPs) which effect the amount of resources going to the Cleanup and Abatement Account. The Regional Board has provided the auditors a significant amount of documentation including a list of all civil liability administrative assessed by the Regional Board as well as all SEPs approved since July 1998.

11. Status of Wastewater Discharge from USMC Base Camp Pendleton to the Oceanside Ocean Outfall (Brian Kelley)

At the August 13, 2003 meeting, the Regional Board adopted Order No. R9-2003-0155, NPDES Permit No. CA0109347, *Waste Discharge Requirements for the United States Marine Corps Base Camp Pendleton, Wastewater Treatment Plant Nos. 1, 2, 3, and 13, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall, San Diego County*. The Order became effective 10 days after the August 13, 2003 adoption date. By email dated September 3, 2003, Camp Pendleton reported the following:

"This morning (Sept. 3) the pumps were turned on at the Lemon Grove pump station. Representatives of the City of Oceanside were present at the pump station and along the pipeline to assure that the pipeline operated satisfactorily. Initially potable water left over from the static testing of the pipeline was pumped to assure that the pumps were fully operational; then the pump station at STP 13 was turned on and flow of wastewater from STP 13 commenced to Oceanside. STP 3 will be brought on line later this morning. At this time no flow is coming from STPs 1 & 2 due to demand for irrigation at the golf course. However, there has been flow since May 2002 through the pipeline from STPs 1 & 2 down to STP 13, so we know that line is operational."

Prior to the connection to the Oceanside Ocean Outfall, wastewater from the plants was discharged to the Santa Margarita River under four separate NPDES permits.

As a condition of adoption of Order No. R9-2003-0155, the Regional Board directed staff to bring back the monitoring and reporting programs for the Oceanside Ocean Outfall dischargers to consider increasing the frequency of shore station receiving water monitoring for bacteria. Dischargers to the Oceanside Ocean Outfall that have receiving water bacteria monitoring requirements include the USMC Base Camp Pendleton, the City of Oceanside, and Fallbrook Public Utility District (PUD). This reconsideration is currently scheduled to be brought back before the Regional Board at the November 12, 2003 regular meeting. A complete review of the monitoring and reporting programs, using recommendations from the Southern California Coastal Water Research Project,

will occur in February 2005 when the NPDES permits for the City of Oceanside and Fallbrook PUD are considered for reissuance.

12. Eastern Municipal Water District and Rancho California Water District Wastewater Capacity Issues (Brian Kelley) (Attachment B-12)

The Regional Board has learned that municipal wastewater storage and disposal facilities in the Riverside County portion of the San Diego Region may be approaching maximum capacity more rapidly than originally planned. Representatives of Eastern Municipal Water District (EMWD) Temecula Valley Regional Water Reclamation Facility (TVRWRF) and Rancho California Water District (RCWD) Santa Rosa Water Reclamation Facility have expressed concerns about the ability to store and dispose of treated wastewater during the upcoming winter season. EMWD has an agreement with RCWD whereby RCWD could accept a limited volume of treated wastewater from EMWD for disposal within RCWD's distribution system. However, because of capacity concerns of their own, RCWD has reported that they are no longer accepting this wastewater. It has also been reported that the pipeline used to transport effluent from EMWD to Temescal Wash in the Santa Ana Regional Water Quality Control Board's jurisdiction is already at peak flows of 10 million gallons per day (MGD), and the average flowrate at the TVRWRF is approximately 10.6 MGD. Furthermore, EMWD has reported that only 2.5 days of storage are available onsite at the TVRWRF.

The Regional Board has very limited information on this potential water quality problem. As such, the Regional Board has sent to both districts requests for technical reports regarding this matter (copies of letters attached). The reports will be reviewed to determine if further immediate action is required to ensure compliance with the waste discharge requirements already in place for the facilities or if other action is warranted.

13. Supplemental Environmental Projects Quarterly Report (Rebecca Stewart) (Attachment B-13)

This is an update to the status report on all SEPs approved by the Regional Board. The SEP summary table (attached) provides information on the objective, the responsible party & trustee, ACL Order number and monetary amount, watershed, Regional Board contacts, and current SEP status.

There are currently eleven active Supplemental Environmental Projects (SEPs) being monitored by the Regional Board which include three projects funded by South Coast Water District and one by Shea Homes funded since the last SEP update. Except as described below, the SEPs are generally moving towards completion in accordance with the approved time schedules.

RECENTLY FUNDED PROJECTS

Water Quality Testing Lab at Shorecliffs Middle School (funded by ACL Order No. 2003-0037)

The Surfrider Foundation is preparing to set up a water quality testing laboratory in the classroom in October 2003. Quarterly status reports are required to document the progress of the testing and educational efforts associated with this SEP.

Water Quality Testing Program at Laguna Beach High (funded by ACL Order No. 2003-0037)

The funding for this project continues the support of an existing water quality testing program sponsored by the Surfrider Foundation at Laguna Beach High School. Quarterly status reports are required to document the progress of the project.

Community Kelp Restoration Project (funded by ACL Order No. 2003-0037)

The funding for this project continues the support of an existing kelp reforestation project currently being sponsored by the Orange County Coastkeeper. The \$45,000 funding received from South Coast Water District will expand the reforestation project into southern Orange County beginning October 2004, when current funding runs out. Quarterly status reports are required to document the progress of the project.

Agua Hedionda Lagoon Foundation Environmental Enhancement Account (funded by ACL Order No. 2003-0253)

As part of a settlement, by September 12, 2003 Shea Homes is required to provide the Agua Hedionda Lagoon Foundation with \$40,000 for deposit into an Environmental Enhancement Account. The Foundation has 18 months to expend the funds on water quality related activities. Quarterly status reports are required to be submitted to document the progress of the project.

RECENTLY COMPLETED PROJECTS**Encinitas Ranch, Construction Stormwater Training (funded by ACL Order No. 2001-173)**

Encinitas Ranch conducted 12 storm water workshops and provided funding to the City of Encinitas to complete the *Cottonwood Creek Urban Runoff Assessment and Action Plan* and has successfully completed all tasks relating to this SEP.

Mission Bay Contaminant Dispersion Study (funded through Tecolote Canyon Sewage Spill, Order No. 2001-174)

The Mission Bay Contaminant Dispersion Study was conducted by Scripps Institute of Oceanography. The final report has been submitted to the Regional Board for use in the Mission Bay TMDL. The City of San Diego is currently preparing a final accounting of the monies spent to conduct the study and will be returning the interest earned on the \$400,000 deposited in a escrow account to the State Board's Cleanup and Abatement Account. It is anticipated that approximately \$7,000 will be returned to the State.

Storm Drain Sediment Trap at Famosa Slough (funded through the Adobe Falls Sewage Spill, Order No. 2000-103)

The City of San Diego reports that the project has been completed. The Regional Board will be requesting that the City submit a final accounting of all monies spent on the project, as required by Order No. 2000-103.

DEFAULTED PROJECT**The Beach Valuation Project, City of San Diego on April 27, 2001 (funded through Adobe Falls Sewage Spill, Order No. 2000-103)**

The project as originally envisioned was to be completed by June 2003. However the Santa Monica Restoration Foundation, as contractor, has yet to begin the two-year project due to other workload commitments. After the Regional Board requested reimbursement, the contractor agreed to return the original SEP amount of \$262,500 plus interest to the Regional Board by September 12, 2003. Once received, the funds will be deposited into the Cleanup and Abatement Account administered by the State Water Resources Control Board.

14. Emergent Chemicals Sources and Sampling at Active Landfills (John Odermatt)

The State Water Resources Control Board (SWRCB) has convened several meetings concerning the need to evaluate the presence of "emergent chemicals" that may pose a significant threat to beneficial uses of groundwater resources in California. As a result of those discussions, primarily within the Department of Defense (DoD) Program, the State and Regional Board staff identified a specific list of "emergent chemicals". The same list of emergent chemicals has also been identified as constituents of concern at landfills regulated by the statewide Land Disposal Program.

On June 20, 2003, the Regional Board Executive Officer sent a letter to all military bases located within the San Diego Region requesting that the U.S. Navy and U.S. Marine Corps (USMC) submit a Source Evaluation Report, identifying sources of emergent chemicals at all areas of concern (AOC), installation restoration (IR) and operable unit (OU) sites within the facility. The intent of that initial request was to streamline our regulatory review by not sending individual requests (see Executive Officer Report for August 13, 2003: Section B, Item 14 and Section C, Item 1).

It was the hope of the Regional Board staff that the initial request would suffice for the USMC to provide the Regional Board with information regarding emergent chemicals at their operating landfills as well. However, subsequent discussions between Regional Board staff and base environmental staff at MCB Camp Pendleton indicated a need for a supplemental letter specifically requesting that the USMC provide the Regional Board with an evaluation of the same suite of emergent chemicals that may be associated with waste disposal at their operating Class III landfills (i.e., Las Pulgas and San Onofre) at MCB Camp Pendleton. On August 22, 2003, the Regional Board Executive Officer sent an additional letter, under authority of Water Code Section 13267, requesting that the

USMC provide the same information requested in the previous letter (dated June 20, 2003) for the Las Pulgas and San Onofre landfills.

15. Omar Rendering Facility (*Brian McDaniel and John Odermatt*)(Attachment B-15)

In March 2003, the Regional Board issued Cleanup and Abatement Order R9-2003-0080 to Otay Mesa Ventures II, LLC (OMV II) for remediation of groundwater pollution from the Omar site. The cleanup and abatement Order identifies OMVII as the discharger responsible for the cleanup and abatement of environmental pollution created by past discharges of wastes at the former Omar Rendering property.

On April 9, 2003, the Regional Board adopted Resolution No. R9-2003-0139:

“Authorization For The Executive Officer to Execute a Site Remediation Agreement with the City of Chula Vista Redevelopment Agency for Cleanup And Abatement of Groundwater Pollution at the Former Omar Rendering Site San Diego County” (see Item No. 6 on the April 2003 Agenda). Between April and August 2003, a Site Remediation agreement (*e.g.*, to limit liability of the prospective purchaser under provisions of the Polanco Act) with the City of Chula Vista Redevelopment Agency was developed jointly by representatives from OMVII, the prospective buyer, the Redevelopment Agency of Chula Vista, the SWRCB OCC staff, and the Regional Board staff.

On August 20, 2003, the Regional Board received a fully executed final version of the “Polanco Redevelopment Act Remediation and Conditional Immunity Agreement” (see Attachment B-15). On August 22, 2003, the Regional Board and SWRCB OCC staff provided final comments on a proposed “Finite Risk Insurance Policy” (covering a policy period of July 2003 to July 2033) with an aggregate liability in the amount of \$9,000,000 and naming the Regional Board as the beneficiary. The purpose of the Finite Risk Insurance Policy is to provide a financial assurance instrument covering closure, post-closure, and cleanup costs in the event that the discharger becomes unable to pay for the costs of those required activities. The finite risk policy supercedes the previously provided Corporate Guaranty previously provided by Landbank Inc.

The Regional Board staff was notified via email that Otay Mesa Ventures II had completed the pending transaction to sell the former Omar Rendering property to Knowlton Realty Advisors, LLC. Representatives of Knowlton Realty Advisors, LLC have previously provided the Regional Board with their plans to redevelop the property into an auto dealership and repair facility.

16. Mission Bay Landfill (*Brian McDaniel and John Odermatt*) (Attachment B-16)

During the months from June to August 2003, the Regional Board received several separate requests from representatives of the Sierra Club- San Diego Chapter (Sierra Club) regarding their concerns about the Mission Bay Landfill. These requests primarily concerned: 1.) Request to reclassify the Mission Bay Landfill to a Class I waste management unit and 2.) Request that the Regional Board adopt a resolution acknowledging that significant volumes of hazardous materials/constituents had been

discharged to the Mission Bay Landfill during its operational lifetime (circa 1952 to 1959).

In an attempt to address the requests and concerns expressed in those letters, the Regional Board staff provided written responses (Attachments B-16a and b without enclosures) to the representative of the Sierra Club San Diego Chapter. The Regional Board staff also provided copies of our response letters to the Mission Bay Technical Advisory Committee (TAC) for distribution to all of its members.

On August 13, 2003, the Regional Board received a letter from the California Coastal Commission containing a specific request for information on the current status of the Mission Bay Landfill. That information was requested for inclusion in their pending agenda item concerning a requested revocation of Coastal Development Permit #6-01-129 for the Sea World Splashdown Ride. The Regional Board staff provided the Coastal Commission representative with a written response to their request (see Attachment B-16c without enclosures) before their requested deadline of August 19, 2003.

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. California's Opposition to H.R. 1027, a Bill to Allow Sewage Discharges From Boats Into Sewage No-Discharge Zones (*Pete Michael*) (*Attachment C-1*)

The Governor approved a letter sent by the Executive Director of the State Water Resources Control Board to Senators Feinstein and Boxer and to Members of Congress from the California Delegation. A copy of the letter is attached. House Bill 1027 introduced by Congressman Jim Saxton of New Jersey would allow treated sewage to be discharged into state no-discharge zones from a proposed new Type 1A Marine Sanitation Device (MSD). The San Diego Region has had four no-discharge zones approved by USEPA under Clean Water Act Section 312(f) since 1976: Dana Point Harbor, Oceanside Harbor, Mission Bay, and the shallower waters of San Diego Bay. The San Diego Region has more no-discharge zones than any other region in the state and California has more no-discharge zones than any other state. Therefore, California boaters would be affected if an unproven MSD were permitted for use in California marinas and harbors. Dozens of commercial divers who clean boat hulls in the San Diego Region could be subjected at their place of work to legal discharges of ground-up sewage, should the legislation be adopted.

The proposed Type 1A MSD is manufactured by an east-coast firm and under the Bill would be the only equipment authorized for use in no-discharge zones. The Type 1A MSD is a chlorinator-macerator that grinds sewage until it can no longer be recognized as sewage. In 2002 Congressman Saxton introduced a similar bill. The Executive Officer recommended the 2002 bill be opposed by California, but the Congressman had withdrawn his legislation. The attachment provides reasons for opposition.